IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO : 14980 of 2005

Between:

Tenali Vijaya Rao, s/o. Late Somanna,
R/o. Pedapata, Bhimavaram, W.G.District.

..... PETITIONER

AND

1 Estate Officer & Addl. Divisional Railway Manager, SCR, Vijayawada,.
2 Inspector of Works, Bhimavaram Junction, Railway Station, S.C.R. Bhimavaram-I,
W.G.District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more fully in the nature of writ of mandamus declaring that the action of the respondents in interfering with the peaceful possession and enjoyment of the premises bearing No.22-15-18/1, in R.S.No.398/2 B and 398/5 situated in Peddapeta, Bhimavaram Municipality, Bhimavaram, W.G.District is illegal, improper and arbitrary, without any authority by directing them not to demolish the same.

Counsel for the Petitioner: SMT.K.SESHARAJYAM

Counsel for the Respondent No.: MR.R.S.MURTHY (ADD.CGSC)

The Court made the following :

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.14980 of 2005

ORAL ORDER:

The grievance of the petitioner in this writ petition is that despite the fact that the petitioner had submitted a representation as early as on 18-10-2003, to the 1st respondent through the 2nd respondent, in reply to the notice issued under Sub-section (1) of Section 4 of the Public Premises Eviction of Unauthorized Occupants Amendment Act, 1980 (for short 'the Act') contending that there was a mistake in identifying the property concerned, that it is the petitioner who is the owner of the land and that the said land does not form part of the Schedule annexed to the notice under the Act, the respondents, without passing any orders on such representation are taking coercive steps to evict the petitioner from the land in question.

The Act prescribes a procedure for evicting an unauthorized occupant which, the petitioner contends, has not been followed. In any event, since the petitioner has filed a representation on 18-10-2003, respondents ought to have considered the representation and passed appropriate orders thereon, before initiating action in accordance with law.

There shall be a direction to the respondents to consider the petitioner's representation dated 18-10-2003, (another copy of which shall now be furnished by the petitioner within one week from today), and pass appropriate orders thereon and only thereafter take action in accordance with law. Pending orders being passed on the representation of the petitioner, the respondents shall not take any coercive steps to evict the petitioner from the land in question.

The writ petition is accordingly disposed of. No costs.

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12-7-2005

Note:

Issue operative portion of the order

by wire at party's cost.

B/o

asp

To:

1 Estate Officer & Addl. Divisional Railway Mandager, SCR, Vijayawada,.
2 Inspector of Works, Bhimavaram Junction, Railway Station, S.C.R. Bhimavaram-I, W.G.District.

3. Two C.D. copies